

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1063 of 2011**

**In**  
**Civil Writ Jurisdiction Case No.9936 of 2005**

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1. Subodh Nath Singh Yadav @ Sobh son of Late Chirai Yadav, resident of Lohra, P.S. Chainpur, District Kaimur At Bhabhua.
  2. Bishwanath Singh Yadav @ Bishwanath Yadav son of Late Chirai Yadav resident of Lohra, P.S. Chainpur, District Kaimur At Bhabhua
  3. Baijnath Singh Yadav son of Late Chirai Yadav, resident of Lohra, P.S. Chainpur, District Kaimur At Bhabhua

... .. Petitioners-Appellant/s

Versus

1. The State Of Bihar
2. The Addl. Member, Board Of Revenue, Govt. Of Bihar, Patna .
3. Collector, Kaimur At Bhabua.
4. Addl. Collector, Kairmur At Bhabua.
5. Dy. Commissioner, Land Revenue, Bhabua.
6. Ram Swarup Singh son of Late Nanhk Singh, resident of Village Lohra, P.S. Chainpur, Dist. Kaimur At Bhabua (since deceased) (deleted)
- 6 (i) Raj Nath Yadav, son of late Ram Swarup Yadav
- (ii) Dina Nath Yadav, son of late Ram Swarup Yadav
- (iii) Surya Nath Yadav, son of late Ram Swarup Yadav  
resident of village- Lohra, P.O. Parbatpur, P.S. Chainpur, District Kaimur at Bhabua.
- (iv) Rajmuni Devi D/o late Ram Swarup Yadav, w/o Bigau Yadav, resident of village Niranjapur, P.O. Sirasi, P.S. Chainpur, District-Kaimur at Bhabua.
- (v) Prabha Devi D/o late Ram Swarup Yadav W/o Shiv Kumar Yadav R/o village Hata, P.O. Hatta, P.S. Chainpur, District Kaimur at Bhabua
- (vi) Dingara Devi D/o late Ram Swarup Yadav W/o Sudershan Yadav, R/o village Asaradhi, P.O. Kaithi, P.S. Bhabua, District-Kaimur at Bhabua.
7. Lallan Singh son of Late Choudharn Singh, resident of Village Birna P.S. Chainpur, Dist. Kaimur At Bhabua
8. Ram Ji Yadav son of Late Alioyar Yadav, R/O Lohra, P.S. Chainpur, Dist. Kaimur At Bhabua.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Tribhuwan Narayan, Advocate  
For the Respondent/s : Mr. P.K.Mishra GP 22

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

21 06-12-2019 Heard learned counsel for the parties.

2. The appellant has prayed for the following relief:

“It is, therefore, prayed that your Lordships may graciously be pleased to admit this appeal, issue notice, call for the record of this case and after hearing the parties, be pleased to set aside the impugned order dated 08.04.2011, passed in C.W.J.C. No.9936 of 2005 (Annexure-6) and allow this present appeal and pass further order/orders as deem fit and proper.

3. Learned Single Judge, not finding favour with the petitioners-appellants herein, while dismissing the petition filed under Article 226 of the Constitution of India, affirmed the order dated 19.07.2005 passed by the Additional Member, Board of Revenue, Patna in Revenue Case No. 188 of 2004, titled as Ram Swarup Singh Vs. Bishwanath Singh & Ors. The said order was passed under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 qua the writ petitioners who claimed themselves to be an adjoining raiyat of the vended plot in question.

4. It is seen that now there is a legislative amendment



in the Principal Act and by virtue of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Amendment Act, 2019, cases or proceedings pending before the State Government, the Board of Revenue, the Bihar Land Tribunal, the Divisional Commissioner, the Collector, the Additional Collector, the Deputy Collector Land Reforms or any other Court are deemed to have abated.

5. The pre-emptor/purchaser has not been rendered remediless. He is entitled to, by virtue of the amending Act, certain amounts.

6. In view of the change in position of law, we find the present proceeding to have abated.

7. At this stage our attention is invited to the fact that validity of the Amending Act is pending consideration before this Court. Ordinarily, we would have refrained from passing such order, but for the fact that the present appeal pertains to the year 2011, we proceeded to hear the same. However, since validity of the Amending Act is pending consideration before this Court, we grant liberty to either of the parties to get this appeal revived, if need so arises, after final adjudication with regard thereto.

8. With the aforesaid, the present appeal is disposed



of as having abated.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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